

REMARKS

Claims 1-28 and 30-48 are pending in this action, although the Examiner has indicated in paragraph 1 that claim 31 is not pending. Claims 1-28 and 30-44 are rejected. No claims have been amended. Claims 45-48 are new. No new matter has been introduced.

Applicant appreciates the Examiner's indication that a telephone conference may be scheduled to discuss the claims. Applicant will contact the Examiner to schedule a conference after the Examiner has had an opportunity to consider Applicant's arguments in this response.

The Examiner has rejected claims 1-28, 30, and 32-41 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,374,300 issued to Masters ("Masters"), in view of U.S. Patent No. 6,453,360 issued to Muller et al. ("Muller"). As an initial matter, Applicant notes that while paragraph 4 of the Office Action indicates that claims 1-28, 30 and 32-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Masters in view of Muller, the Examiner's detailed arguments indicate that, except for claim 37, this rejection is based on Masters in view of U.S. Patent No. 6,772,333 issued to Brendel ("Brendel"). Based on the Examiner's detailed arguments, it appears that the Examiner also has rejected claims 31, 37, and 42-44 under 35 U.S.C. 103(a) as being unpatentable over Masters, in view of Brendel and further in view of Muller. Applicant has responded accordingly. Applicant respectfully traverses the Examiner's rejections.

Independent claims 1, 13, 25 and 35 recite, "execute protocol stack instructions to form a data portion of a packet that includes at least the first and second information" (emphasis added), or similar language. The Examiner admits that Masters does not teach, suggest, or motivate executing protocol stack instructions to form a data portion of a packet. The Examiner contends that this teaching is provided by Brendel and that it would be obvious "to modify the teachings of Masters to execute the protocol stack instructions to form a data portion of packet as taught by Brendel." (Page 4 of the Office Action dated October 20, 2006).

The Examiner points to the discussion of a data payload containing a special cookie in Brendel at column 8, lines 32-52. This portion of Brendel, however, does not teach, suggest or motivate executing protocol stack instructions to form a data payload regardless of

whether or not the payload contains a special cookie. In Brendel, the encrypted payload, including the special cookie, is generated *by application software instructions*, not by protocol stack instructions. Brendel makes it clear that the special cookie, as well as other parts of the payload, are generated by the web-server application software, rather than by protocol stack instructions. *See, e.g.*, Brendel, column 4, lines 1-6, column 8, lines 2-52, and column 12, lines 40-44. For example, Brendel states that a common-gateway-interface (“CGI”) script executes on the server in order to generate the server assignment cookie and the SSL session ID. Brendel, Column 12, lines 40-44. In addition, to the extent that Brendel includes an assignment cookie in a data payload, it is generated by application software, not by the HTTP protocol or the SSL protocol. Thus, Brendel does not teach, suggest, or motivate executing protocol stack instructions to form a data portion of a packet.

Accordingly, Applicant respectfully submits that independent claims 1, 13, 25, and 35 are not rendered obvious by Masters, alone or in combination with Brendel, because Masters, alone or in combination with Brendel (or Muller), does not teach, suggest or motivate executing protocol stack instructions to form a data portion of a packet. Dependent claims 2-12, 14-24, 26-28, 30-34, and 36-44, as well as new dependent claims 45-48, are allowable at least by virtue of the dependencies.

As noted above, the Examiner has rejected claims 31, 37, and 42-44 under 35 U.S.C. § 103(a) as being unpatentable over Masters, in view of Brendel and further in view of Muller. Applicant respectfully traverses the Examiner’s rejections.

As stated in the previous responses, Muller does not teach, suggest, or motivate “executing protocol stack instructions to form a data portion of a packet.” Thus, Masters, in combination with Brendel and/or Muller, does not teach, suggest, or motivate “executing protocol stack instructions to form a data portion of a packet.” Accordingly, claims 31, 37, and 42-44 are allowable at least by virtue of their dependencies.

Although Applicant has not addressed the Examiner’s additional rejections under 35 U.S.C. 103 for all of the dependent claims in the interests of expediting prosecution, Applicant hereby reserves the right to traverse and specifically argue these claims in the future.

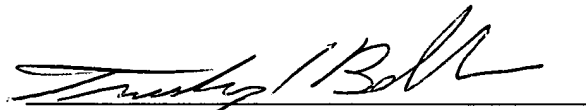
Conclusion

Therefore, for these reasons and others, all of the pending claims are not anticipated or rendered obvious by Masters, alone or in combination with Brendel and/or Muller. Applicant notes that the independent claims have not been amended. Applicant reserves the right to further present arguments regarding the Examiner's statements about what is taught by the cited references at a later time, should such become necessary. Specifically, no waiver (legal, factual, or otherwise), implicit or explicit, is hereby intended.

In closing, Applicant respectfully requests the Examiner to reconsider this application and its early allowance. The Director is authorized to charge any additional fees due by way of this Response, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

A handwritten signature in black ink, appearing to read 'Timothy L. Böller', is written over a horizontal line.

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